

- D. Statement of Claim - State here briefly the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. Use as much space as needed. You may attach extra paper if necessary.

Claim #1 - Supporting Facts - Tell your story briefly without citing cases or law.

See Attachments A(1-4) A, statement of claim
& exhibits (A-1)

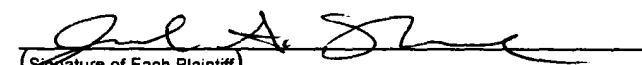
Claim #2 - Supporting Facts - Tell your story briefly without citing cases or law.

Claim #3 - Supporting Facts - Tell your story briefly without citing cases or law.

- E. State what relief you seek from the Court. Make no legal arguments, cite no cases or statutes.

I request A transfer to A Mental Health Unit & \$1,500 for my
pain & suffering & OMB Karen Wilson & Dr. Happy Smith forced to resign.

SIGNED THIS 23 DAY OF April, 2008.


(Signature of Each Plaintiff)

VERIFICATION:

I, Jacobs Alan Shouse, state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 USC § 1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, three or more occasions, while incarcerated, brought an action or appeal in federal court that are dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of filing fees.

I declare under penalty of perjury the foregoing to be true and correct.

DATED: 4/23/08 SIGNED: 

~~Attachment A(1)~~
(D) Statement of Claim

Claim #1

Cause for
action + atten-
tion to personal
need. A Serious
Medical Need.

At Red onion state prison on 10/4/07 @ 12:00 AM in A-400 pod, cell A-401, I Jacob Shaver # 327092 swallowed three 4 to 6 inch shanks (2 plastic, 1 metal), cut open my stomach + my left arm hitting my brachial Artery + leaving myself from the cell went in A attempted suicide. I was found by C/O's Maloney + St. Skinning + taken to medical by Nurse Roberts + sent to Dick-Pinson Co. Comm. Hospital where I received sutures in my arm + stomach. X-Rays was taken + I was sent back to Prison around 5 or 6 AM. I was placed in 5-point Restraints in medical cell 2 with A camera. The 3 shanks still in my stomach, + A razor.

Claim #2

Excessive force
+ cruel + un
usual punish-
ment + negli-
gence, plus
deliberate in-
difference to
my serious med-
ical needs

On that morning of 10/6/07 around 10 AM St. Rose + Sgt. Maynard moved me out of Medical cell 2 with the camera to the A-400 pod, cell A-401 without A camera, due to Mental Health staff (QMHP Karen Nelson, QMHP Steven Rick Saylor) not wanting me in Medical housing with inmate Christopher Coats. I was placed back in 5-pts Restraints + on 15 minute watch in the cell I had just attempted suicide in 10 hours earlier. I wasn't in A camera cell + with my extensive suicidal history I was supposed to be on constant watch, 1 to 1, per Dep 861.3, 808, 730.4, 420.2, (special housing, cell assignments, manage-ment of "At Risk" inmates + use of Restraints) but 15 minute checks. Also, I wasn't supposed to be moved from medical with their knowledge of my having 3 shanks in my stomach, as well as stitches in my arm + stomach.

Claim #3

Excessive force
+ negligent acts
due to deliberate
indifference

I was in 5-pt. Restraints on 10/6/07, 10/7/07 + 10/8/07 (Sat-urday, Sunday + Monday) those are the 3 days (72 hours) allowed per Dep 420.2 (use of Restraints) without approval from D.O.C.'s officer in Richmond. See A continual use of 5-pt. Restraints

Attachment A(2)

(D) Statement of claim

claim #3
continued

to ensure the inmates safety & stay humane. But, on 10/8/07 Monday, a holiday, only QMHP Karen Nelson was on call at Resp. I was let up & placed in a wheelchair & taken to Medical to talk with her about being released from S-pt. I assured her that I wasn't still suicidal & that I could be safe without the use of restraints. Also, that I was in a lot of pain due to the foreign bodies in my stomach. She made the decision to have me placed back down in S-pt. because she didn't trust me, & my history of self-harm behavior. I went back in S-pt. for another 24 hours, which violated policy (4 days straight) & my 8th amendment against cruel & unusual punishment. The little visit to medical to speak with her took all of 10 minutes & was on camera. On Tuesday 10/9/07, QMHP Karen Nelson let me out of S-pt. but, subsequently placed me in Ambulatory Restraints for 24 hours due to her still not trusting me. On 10/10/07 Wednesday morning while in Ambulatory Restraints I threw up the razor I had swallowed, in which was used to cut myself on 10/6/07. This was shown to Jt. Joe Fanning & Sgt. Maggord. They came in the cell & retrieved the razor out of the vomit. I was taken to Medical to speak with QMHP K. Nelson QMHP senior Rick Saylor & QMHP Mullins, as well as Dr. Asou, psychiatrist, about coming out of Ambulatory Restraints & about the razor I vomited up. It was decided amongst them that somehow my throwing up a razor & notifying staff & letting them have it instead of keeping it that I was again a threat to myself & placed back in S-pt. Restraints. I stayed in S-pt. Restraints from 10/10/07 - 10/12/07 (48 hours). I was

(D) Statement of Claim

Claim # 3
Continued

Released from all restraints Friday 10/12/07 after being in A type of restraints for ~~7~~ consecutive days (4 in S-pts, 1 in Ambulatory & 2 in S-pts.) All while not under A camera nor on 1 to 1 - constant watch & having 3 shanks in my stomach.

Claim # 4
Personal In-
jury to myself
due to deliberate
negligence.

The entire time in restraints 10/6/07 - 10/12/07 I was in constant pain due to the 3 shanks I swallowed & repeatedly asked to see medical & was denied except for the nurse to check restraints. I didn't see the doctor until 10/12/07. I saw Dr. Bellamy, M.D.. I was sent to Mountain View Regional Medical Center to be X-Rayed & possibly have the shanks removed. The X-Rays did show the metal shank but, they didn't use the correct procedures to see the plastic ones. I was sent back to prison saying that it would pass or to see if it would. Upon my return that day of 10/12/07 with the true knowledge of my having foreign bodies in my stomach & my past history of swallowing things that have perforated before (the same objects as this time) & resulting in invasive surgery requiring removal of a portion of my small bowel, I was still placed in Pod A-400 cell A-401 & kept on stoolfall & on 15 minute watch & not in medical housing as I should've been with such a serious medical condition. I filed numerous emergency grievances to be sent back to the hospital but, all medical would do is take my Temperature & Blood Pressure. On 10/17/07 I saw Dr. McBride & he said that he agreed that I should be in the hospital & that the 3 shanks wouldn't pass & had me scheduled to go to a different hospital (Norton Community Hospital) that he knew would have them removed but, security & trial doctor "Happy Smith" refused my appointment because I knew about

Attachment A (4)

(D) Statement of Claim

Claim # 4
Continued
and ended.

it "supposedly" + that they didn't want to use that hospital. But, Dr. McBride agreed that this presented an imminent injury of perforation of my bowels & not removed ASAP but, he was overruled by Dr. Happy Smith & security personnel. Just in April 2007 I swallowed the exact same objects + was sent to Norton Community Hospital + subsequently to Richmond Medical College of Virginia for more surgery due to perforation of my small bowel + requirement of a portion removed. So the risk was known + imminent. On 10/18/07, 10/22/07, 10/23/07 + 10/24/07 I submitted emergency grievances about the pain, risk + seriousness of the issue + literally begged for help! Each one was denied + checked "not an emergency", even though the definition of emergencies is stated at the top of the grievance: "A situation or condition which may subject the inmate to immediate risk of serious personal injury or irreparable harm." IS those sharks perforated my stomach or bowels + my stomach contents leaked out into my bloodstream I could die, not to mention a loss of a portion of my bowel is irreparable harm, because I cannot get that back. On 10/27-28/07 I had a high temperature + blood pressure + was sent to Mountain View Regional Medical Center (25 days after date of incident) for a emergency CatScan + at that time the radiologist + doctors felt I needed emergency surgery due to an acute view bowel perforation by 3 foreign bodies + which required a portion of my small bowel removed. The Doctor told me that ^{if} another day passed I would be dead due to bowel perforation + blood poisoning. Everything I told them (would happen) + they denied - happened. The risk + injury manifested into itself. I suffered severely for 25 days + almost died.

TO: Mr. Saylor
Mental Health

VIRGINIA DEPARTMENT OF CORRECTIONS
EMERGENCY GRIEVANCE FORM

DOP 866
Attachment 5

Log # 02632

Definition: Emergencies are defined as situations or conditions which may subject the inmate to immediate risk of serious personal injury or irreparable harm.

Shouse J 327092 ROSP A 401
Inmate Last Name First No. Institution/Bldg. # Cell #

PART A- INMATE CLAIM

What is the emergency? Around 1⁰⁰pm Makes 48hrs. That I
have been in Spts. I was told by Mr. Saylor that I
would be Released yesterday, but noone came to see me
At all. I am not suicidal And am not going to hurt myself. My
Body is in terrible pain. I've been in restraints for 7 days for an incident That occurred last Friday
10/12/07 7:55am 60 Gibson (Inmate in Restraints)
Date / Time Signature of Inmate & Number

PART B- STAFF RESPONSE

(This part is to be completed and returned to the inmate within eight (8) hours.)

☒ Your grievance does not meet the definition for an emergency. Reason/s:
This does not meet the definition for
an emergency. Please use regular Request
procedure.

☐ Your grievance has been determined to be an emergency and the following action has been taken:

10/12/07 11:15 AM
Date / Time

R. Saylor, M.S. QMHP Sr.
Respondent / Title

Distribution: Original Grievance returned to Inmate
Copy forwarded to Institutional Ombudsman/Grievance Coordinator

[Detach here]

VIRGINIA DEPARTMENT OF CORRECTIONS
EMERGENCY GRIEVANCE FORMDOP 866
Attachment 5Log # 02725

Definition: Emergencies are defined as situations or conditions which may subject the inmate to immediate risk of serious personal injury or irreparable harm.

J. Shous e 327092 R.O.S.P A401
 Inmate Last Name First No. Institution/Bldg. # Cell #

PART A- INMATE CLAIM

What is the emergency? I was supposed to see the doctor
wednesday, because of the plastic shanks I
swallowed and one metal shank, but I was
in pain. I have been vomiting and cannot hold
down food. My stomach has sharp pains in it. And
cannot move my bowels good when I do this blood in
my stool when I burp it smells like phos. I do this blood in
10/12/07 Date / Time 11:44am Signature of Inmate & Number I'm on strip cell

PART B- STAFF RESPONSE

(This part is to be completed and returned to the inmate within eight (8) hours.)

☒ Your grievance does not meet the definition for an emergency. Reason/s:
You have been seen by the doctor about
this issue.

☐ Your grievance has been determined to be an emergency and the following action has been taken:

10/12/07 1pm D. Yataco
 Date / Time Respondent / Title

Distribution: Original Grievance returned to Inmate

Copy forwarded to Institutional Ombudsman/Grievance Coordinator

[Detach here]

DOP 866

Attachment 5

VIRGINIA DEPARTMENT OF CORRECTIONS
EMERGENCY GRIEVANCE FORMLog # 02733

Definition: Emergencies are defined as situations or conditions which may subject the inmate to immediate risk of serious personal injury or irreparable harm.

Shawse J 327092 R.C.S.D. 9 401
Inmate Last Name First No. Institution/Bldg. # Cell #

PART A- INMATE CLAIM

What is the emergency? Friday 10-12-07 I was sent to M.U.M.C. to have the
metal + plastic shawls removed. And prison removed, but they said it would
pass, and they are not going to remove them, but they were locked for the
plastic only the metal. These things are too long and too stiff to pass through
my small intestine if it reaches my small intestine, it is dangerous to remove for me.
I am still vomiting and have constant and sharp pains passing from the pain
10-17-07 2:02 STASINS PAINS, CCB Hall INMATE ON STRIP CELL
Date / Time Signature of Inmate & Number

Received
2:23p

PART B- STAFF RESPONSE

(This part is to be completed and returned to the inmate within eight (8) hours.)

☒ Your grievance does not meet the definition for an emergency. Reason/s:

You have been assessed by the doctor.

☐ Your grievance has been determined to be an emergency and the following action has been taken:

10-17-07 5:27p
Date / Time

M. Bonkowski
Respondent / Title

Distribution: Original Grievance returned to Inmate

Copy forwarded to Institutional Ombudsman/Grievance Coordinator

[Detach here]

**VIRGINIA DEPARTMENT OF CORRECTIONS
EMERGENCY GRIEVANCE FORM**

**DOP 866
Attachment 5**

Log # 02635

Definition: Emergencies are defined as situations or conditions which may subject the inmate to immediate risk of serious personal injury or irreparable harm.

Shouse J. 327092 Rosp A 401
Inmate Last Name First No. Institution/Bldg. # Cell #

PART A- INMATE CLAIM

What is the emergency? I'm having severe stabbing pains in my
stomach. I keep Dry Heaving even though I have not eaten
it hurts just to move. I feel Nauseated and Dizzy every time
The pain hits. And it feels hard to breath. I suppose to go to NCH
some time today I need to see someone about this pain ASA.P

10/18/07 11:50 Am %Gibson (Inmate is on)
Date / Time Signature of Inmate & Number

PART B- STAFF RESPONSE

(This part is to be completed and returned to the inmate within eight (8) hours.)

☒ Your grievance does not meet the definition for an emergency. Reason/s:
you were seen yesterday with no sign of an acute
abdomen and schedule for further evaluation.

☐ Your grievance has been determined to be an emergency and the following action has been taken:

no

10-18-07 12⁴ pm Upatner / H. Smith MD
Date / Time Respondent / Title

Received @ 104 pm

Distribution: Original Grievance returned to Inmate

Copy forwarded to Institutional Ombudsman/Grievance Coordinator

[Detach here]

DOP 866

Attachment 5

VIRGINIA DEPARTMENT OF CORRECTIONS
EMERGENCY GRIEVANCE FORMLog # 02735

Definition: Emergencies are defined as situations or conditions which may subject the inmate to immediate risk of serious personal injury or irreparable harm.

Shouse 9 327092 ROSP / A-4 401
Inmate Last Name First No. Institution/Bldg. # Cell #

PART A- INMATE CLAIM

What is the emergency? I wrote an emergency grievance about my stomach & all they do is come to take my blood pressure & temp. I need help. That isn't going to stop this nausea & vomiting. I keep passing out from the pain (3 times today) This pain is unbearable it comes in waves & I usually faint. I need more than my temp & blood pressure took. I am passing out a lot. I need to be stable + Medical is doing nothing. I need to be taken observation this is for threat my & may cause serious risk if this metal & plastic shanks stay in me! Help N

10/18/07 / 3:15 PM Jal SL 327092
Date / Time Signature of Inmate & Number

PART B- STAFF RESPONSE

(This part is to be completed and returned to the inmate within eight (8) hours.)

☒ Your grievance does not meet the definition for an emergency. Reason/s:

You refused assessment per Nurse Kilgore.

☐ Your grievance has been determined to be an emergency and the following action has been taken:

10-18-07 447pm

Date / Time

Received @ 446pm

Yate R

Respondent / Title

Distribution: Original Grievance returned to Inmate

Copy forwarded to Institutional Ombudsman/Grievance Coordinator

[Detach here]

**VIRGINIA DEPARTMENT OF CORRECTIONS
EMERGENCY GRIEVANCE FORM**

DOP 866
Attachment 5

Log # 02641

Definition: Emergencies are defined as situations or conditions which may subject the inmate to immediate risk of serious personal injury or irreparable harm.

Shouse 1 327092 ROSP/A-4 401
Inmate Last Name First No. Institution/Bldg. # Cell #

PART A- INMATE CLAIM

What is the emergency? These 3 shanks have been inside of me for 21 days
today, causing me agonizing bouts of pain, constant waiting, nausea
& bloody spells. I can't sleep, eat & have lost over 10 pounds. I should be in
medical housing under observation until they are removed. You cannot monitor me
in the pod. If it persists it could be fatal & go unnoticed because of the business
as the officers & my inability to
10/22/07 / 7:10 Jed Shouse 327092
Date / Time Signature of Inmate & Number tell someone in
enough!

PART B- STAFF RESPONSE

(This part is to be completed and returned to the inmate within eight (8) hours.)

☒ Your grievance does not meet the definition for an emergency. Reason/s:

You have been seen per Nurse Cox.

☐ Your grievance has been determined to be an emergency and the following action has been taken:

10-22-07 10³²Am 401 R
Date / Time Respondent / Title
Received @ 9³²Am
Distribution: Original Grievance returned to Inmate
Copy forwarded to Institutional Ombudsman/Grievance Coordinator

[Detach here]

VIRGINIA DEPARTMENT OF CORRECTIONS EMERGENCY GRIEVANCE FORM

Log # 02639

* Definition: Emergencies are defined as situations or conditions which may subject the inmate to immediate risk of serious personal injury or irreparable harm.

<u>Shaw</u>	<u>2</u>	<u>327502</u>	<u>Reed/114</u>	<u>401</u>
Inmate Last Name	First	No.	Institution/Bldg. #	Cell #

PART A- INMATE CLAIM

What is the emergency?

What is the emergency? When a dog is eating with chunks and regurgitates soon after, my pharynx, oesophagus & stomach are paralysed by paratyphoid (The stomach is open to the oesophagus, so the food goes straight down to the pylorus). It is a rare condition which lays in the stomach when it comes with it, it has been reported to be a danger. Especially as the S. typhimurium are propelled by peristalsis to the pyloric sphincter that is the danger (peristalsis) to pass into the duodenum & if the S. typhimurium slip through the pyloric valve there's a huge risk of perforation since the stomach will not bend to accommodate the curve of the duodenum, however, if they reach the jejunum & ileum of the small intestine it is risky also because segmentation will propel them back & forth & across the organ & usually anything 4 inches or longer & unbreakable will tear the tissue. I also have a peptic ulcer & if regurgitated can penetrate allowing the stomach contents to leak into the peritoneal cavity causing peritonitis or digestion of the pancreas, walls of the gut.

10/23/07 7:20 AM
Date / Time

Signature of Inmate & Number

it meets the demand
of an emergency!
knowing it's in the

PART B- STAFF RESPONSE

(This part is to be completed and returned to the inmate within eight (8) hours.)

☒ Your grievance does not meet the definition for an emergency. Reason/s:

You required consent per Nurse Kilgore

I think it is
perpetrated to write in
opinion of having my own
small benefit without
justifying the
risk. And last time
there was no evidence
of the Riptide unit.

Subj: [illegible]
[illegible]

Taking my blood pressure 6/15

may tell you
something!

Should be in
Medical record

Station until
Removal.

☐ Your grievance has been determined to be an emergency and the following action has been taken:

10-23-07 8²⁵ AM

Date / Time

Date / Time
Received C 8:07 AM

Yatendra

Respondent / Title

Distribution: Original Grievance returned to Inmate

Copy forwarded to Institutional Ombudsman/Grievance Coordinator

[Detach here]

10. DR. McBRIDE

(H)

VIRGINIA DEPARTMENT OF CORRECTIONS
EMERGENCY GRIEVANCE FORMDOP 866
Attachment 5Log # 02745

Definition: Emergencies are defined as situations or conditions which may subject the inmate to immediate risk of serious personal injury or irreparable harm.

Shouse ed 327092 Rosp / A-4 401
 Inmate Last Name First No. Institution/Bldg. # Cell #

PART A- INMATE CLAIM

What is the emergency? What is this to you? A joke! Yeah, I did it to myself, bad
Mistake on my part, but now can you get professional to get this stuff out of
me! These 3 sharks are killing me, I want just by thinking about eating it's
become involuntary, the pain is astronomical. It's been 23 days that it has been
inside me. I made a mistake, please help me in getting healthy again. I'm scared it's going
to rupture & then, to
10/24/07 11:58 AM Ed Shouse 327092
 Date / Time Signature of Inmate & Number to take for help!

PART B- STAFF RESPONSE

(This part is to be completed and returned to the inmate within eight (8) hours.)

☒ Your grievance does not meet the definition for an emergency. Reason/s:
You have been assessed.

☐ Your grievance has been determined to be an emergency and the following action has been taken:

10-24-07 1257 pm
 Date / Time

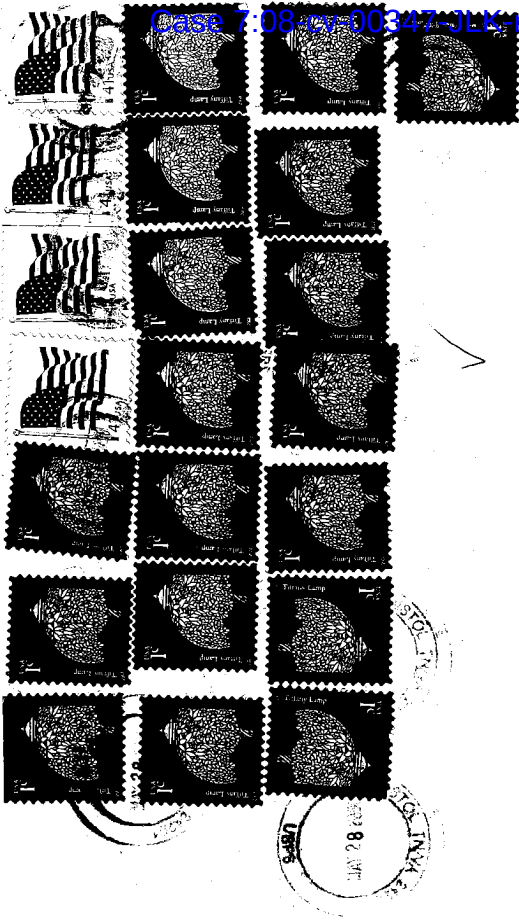
Walter R.
 Respondent / Title

Received 1250 pm

Distribution: Original Grievance returned to Inmate

Copy forwarded to Institutional Ombudsman/Grievance Coordinator

[Detach here]



Jacob How House # 247092
Red Onion State Prison
Post Office Box 1900
Round, VA. 24279-1900

Clerk of The United States District Court
of the Western District of VA,
P.O. Box 1234
Round, VA, 24006-

